

Message Text

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67

ACTION EB-11

INFO OCT-01 ARA-11 EUR-25 ADP-00 L-03 AGR-20 COME-00

CIAE-00 INR-10 NSAE-00 RSC-01 SS-15 NSC-10 SSO-00

NSCE-00 INRE-00 USIE-00 PA-03 PRS-01 STR-08 RSR-01

/120 W

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O R 172010 Z MAY 73

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 7725

INFO AMEMBASSY LONDON

AMCONSUL RIO DE JANEIRO

LIMITED OFFICIAL USE BRASILIA 2972

E. O. 11652: N/ A

TAGS: ETRD, BR

SUBJECT: SOLUBLE COFFEE

REF: STATE 93958, BRASILIA 2971

1. FOLLOWING NOTE DELIVERED TO FONOFF TODAY:

BEGIN TEXT

EXCELLENCY:

I HAVE THE HONOR TO REFER TO YOUR EXCELLENCY' S NOTE NO.
DPB/ DCS / DAI/44/661.333(B13) (B46) OF MAY 11, 1973, CONCERNING
THE SOLUBLE COFFEE AGREEMENT OF APRIL 2, 1971.

MY GOVERNMENT NOTES THAT " TAKING INTO ACCOUNT THE FACT
THAT THE REQUEST FOR CONSULTATIONS, PROVIDED FOR BY THE EXCHANGE
OF NOTES OF APRIL 2, 1971, WAS MADE BY THE GOVERNMENT OF BRAZIL
ONLY AT THE END OF THE QUARTER OCTOBER 15 TO JANUARY 14, 1973,
THE COMPETENT BRAZILIAN AUTHORITIES AGREE TO FURNISH GREEN COFFEE
TO US FIRMS UNDER THE CONDITIONS ESTABLISHED BY THE ' AGREEMENT
ON SOLUBLE COFFEE' SO AS TO INCLUDE COMPLETELY THE ABOVE MENTIONED
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QUARTER." IT IS ASSUMED THAT, IN THE IMPLEMENTATION OF THIS ACTION, ADEQUATE TIME WILL BE ALLOWED FOR THE PURCHASE AND SHIPMENT OF THE COFFEE CONCERNED AND THAT THE APPROPRIATE COMPENSATION TO THE BUYERS WILL BE EXPEDITED.

MY GOVERNMENT NOTES WITH REGRET, HOWEVER, YOUR EXCELLENCY'S DECLARATION THAT " FOR ALL INTENTS AND PURPOSES" YOUR EXCELLENCY'S NOTE ' CONSTITUTES A FORMAL DENUNCIATION BY THE GOVERNMENT OF BRAZIL OF THE AGREEMENT ON SOLUBLE COFFEE ENTERED INTO BY THE TWO GOVERNMENTS BY THE EXCHANGE OF NOTES OF APRIL 2, 1971." THE GENERAL RULE IN TREATY PRACTICE IS THAT, IN THE ABSENCE OF A SPECIFIC PROVISION FOR TERMINATION, A BILATERAL AGREEMENT REQUIRES THE MUTUAL CONSENT OF THE PARTIES FOR TERMINATION. IN LIGHT OF THIS RULE, THEREFORE, MY GOVERNMENT MAINTAINS THAT IT HAS NO OBLIGATION TO ACCEPT A UNILATERAL TERMINATION OF THE AGREEMENT BY THE GOVERNMENT OF BRAZIL.

WITH RESPECT TO THE PENULTIMATE PARAGRAPH OF YOUR EXCELLENCY'S NOTE, I WISH TO ASSURE YOUR EXCELLENCY OF THE RECIPROCAL DESIRE OF THE GOVERNMENT OF THE UNITED STATES TO CONTINUE TO SEEK MUTUAL UNDERSTANDING WITH THE GOVERNMENT OF BRAZIL ON MATTERS RELATING TO INTERNATIONAL TRADE IN COFFEE AND TO COOPERATE IN EFFORTS TO NEGOTIATE IN AS SHORT A TIME AS POSSIBLE AN APPROPRIATE INTERNATIONAL AGREEMENT WHICH WILL ADEQUATELY SERVE THE INTERESTS OF BOTH PRODUCERS AND CONSUMERS OF COFFEE.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION. END TEXT

2. ON QUESTION OF PUBLICITY ECON COUNSELOR INFORMED COSTA (ASST SEC GEN FONOFF) THAT WE WOULD HAVE TO DISCUSS WITH COFFEE TRADE ARRANGEMENTS MADE AND POSITIONS TAKEN IN EXCHANGE OF NOTES AND THAT THERE WOULD UNDOUBTEDLY BE SOME PRESS COVERAGE; IN FACT, STORIES ON BRAZILIAN NOTE HAD ALREADY APPEARED IN LOCAL PRESS. COSTA SAID HE UNDERSTOOD THAT PUBLICITY WAS UNAVOIDABLE, THAT RECENT PRESS STORIES HAD COME FROM COFFEE BOARD SOURCE, AND THAT HE WAS NOT ABLE TO CONTROL THEM ON THIS ISSUE. HE ADDED THAT GOB WAS NOT PLANNING TO RELEASE TEXTS OF NOTES.
ROUNTREE

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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